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OTHER HUMAN RIGHTS ISSUES

Written statement* submitted by Japan Fellowship of Reconciliation,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 July 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

"Comfort Women": Systematic rape, sexual slavery and slavery-like practices

JFOR, in cooperation with Ms. OKAZAKI, Tomiko, Ms. MADOKA, Yoriko, Ms. CHIBA, Keiko, Ms. YOSHIKAWA, Haruko, Ms. HATTA, Hiroko, Ms. OWAKI, Masako, Ms. TAJIMA, Yoko, who are Members of the House of Councilors of the Japanese National Diet, wishes to draw the attention of the High Commissioner for Human Rights and the Sub-Commission to the following information.

For the first time in history[1], on 18 July 2002, the Committee on Cabinet Affaires of the House of Councilors of the Diet of Japan started its substantial deliberation on a Bill, "Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coersion Act" [23].

The followings are Ms. OKAZAKI's oral statement representing the above mentioned Diet Members before the Committee:

I would like briefly to explain the Bill, "Promotion of a Resolution for Issues Concerning Victims of Wartime Sexual Coercion Act", which has just been mentioned.

With the last War more than half a century behind us, we entered the 21st century. However, our neighbors in Asia who, from our invasion and/or colonization in the past, have suffered greatly still have mixed feelings about our nation; they are still skeptical of and uneasy about us. One of the causes of this misgiving among our neighbors about our nation is the unresolved issue concerning so-called comfort women. As so-called comfort women, we designate a group of Asian women, including underage girls, whose dignity and honor have been deeply hurt since, either cajoled or coerced, they were taken to comfort stations against their will, and were forced into sexual slavery during the last War by the Imperial Japanese Army and Navy.

After WW2, it was in June 1990, during a hearing held at the Budget Committee of the Japanese House of Councilors that issues concerning comfort women came to be recognized as social problems for the first time. During the hearing, we demanded that the government look into the matter. The first response we got from the government was that it was impossible for the Japanese government to investigate the alleged case because it was a matter of private companies. This response was met by a strong criticism from countries such as South Korea.

Later, the government did conduct a research. And in August 1993, it admitted its military's involvement in the sexual slavery case for the first time, and expressed its remorse for the matter of comfort women, and apologized for it. When it came to the compensation of victims, however, the government claimed that it had no obligation to do so because it had already settled the matter when San Francisco Treaty and other bilateral treaties were signed.

From an international point of view, this attitude taken by Japanese government is certainly problematic. UN has actively been discussing the comfort women case as a big issue since it first took the issue up at the Commission on Human Rights of the United Nations in February 1992.

A special attention is to be paid to a report made by Ms. Radhika Coomaraswamy, a special rappporteur on the violence against women, during the Commission of Human Rights in January 1996 and another made by Ms.Gay J. McDougall, UN special rapporteur on Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1998, wherein they found that Japanese government was legal responsibility for the wartime sexual slavery and demanded that Japan make a state-level compensation for the victims. These reports have been welcomed by delegates from the participating countries.

Moreover, the ILO's Committee of Experts on the Application of Conventions and Recommendations has repeatedly, four times in total, admonished that Japanese government should compensate the victims, claiming that issues concerning comfort women violated ILO Convention 29.

But, in July 1995, Japanese government, claiming that it would fulfill its moral responsibility, established "The Asian Women's Fund" (the AWF), a private fund with money donated by Japanese citizens in order to pay "sympathy money" (a gift of money in token of one's sympathy) to the victims, and thereby evading its legal responsibilities as a state. However, this project of atonement has been criticized and its money rejected by many victims.

In April 1998, government of Republic of Korea, with a view of rejecting the AWF's money, paid the former comfort women approximately 3 million yen per person.

Taiwanese authorities took a similar measure: it paid about 2 million yen per person to the victims as an advance of prospective compensation from Japanese government, and is still seeking an apology and a state compensation.

In the Philippines, a resolution seeking Japanese government's apology and compensation was brought up in both the upper and lower Houses in November last year.

In Indonesia, the "sympathy money" has not been distributed among the victims at all, and our investigations have revealed that victims and the government were seeking compensation on individual basis.

Under these circumstances, in view of the peaceful principles of our Constitution, we, as a nation living among many others in Asia, have submitted this bill, thinking that it is necessary for us to bring about a swift resolution of the issues concerning comfort women. In doing so, we recognize that it is imperative for us to provide with remedies for victims admitting the state-level responsibilities and a general framework for solving these issues clarifying Japan's stance towards the issues concerning comfort women. We believe that this bill, if approved and enacted, will help the Diet to perform its duties, which the 1998 Judgment[4] by Shimonoseki Branch of Yamaguchi District Court pointed out finding that the Diet had failed to accomplish.

Next, I would like to summarize the gist of the bill.

First of all, in view of the fact that prior to and during World War II, with the involvement of the Imperial Japanese Army and Navy, organized and prolonged coercion of sexual acts were carried out against women and, because of such coercion, the dignity and honor of the women were severely violated and considering that it is the imperative task for the nation of Japan, under its responsibility to take quick steps to restore the honor of the women, the objectives of this Act lie in providing the necessary fundamental grounds for the resolution of the issues concerning the victims of wartime sexual coercion and, by doing so, in improving the trustworthy relationship between the peoples of the concerned nations and our people and in making it possible for our country to occupy an honored place in international society.

To avoid a misunderstanding likely to result from using the term "comfort women," which does not reflect the victims' situation very well, we have decided to opt for "the victims of wartime sexual coercion".

Secondly, the government must, without fail, express an apology for the violation of the honor and dignity of the victims of wartime sexual coercion and implement necessary measures to restore their honor as soon as possible. The measures shall include monetary payment to the victims of wartime sexual coercion.

Thirdly, the government must establish fundamental policies on measures for the resolution of the issues concerning the victims of wartime sexual coercion. Whenever the government establishes fundamental policies or implements changes in existing fundamental

policies, it shall report them to the Diet and make them public.

Every year, the government shall report to the Diet on the measures that it has implemented for the resolution of the issues concerning the victims of wartime sexual coercion and on the findings produced by the investigation as stated in and it shall also publicly announce the summary of the report.

The Council for Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coercion shall be established at Naikakuhu (the Ministry of the Cabinet) in order to (1) outline the draft fundamental policies, 2) to arrange the necessary coordination of the pertinent administrative institutions regarding measures to resolve issues concerning the victims of wartime sexual coercion, and (3) to promote the investigation.

Lastly, this Act shall be enacted in no later than one month after its promulgation, and the date for its enactment shall be decided according to an ordinance. The act shall expire on the day ten years after its enactment.

These are the motives for submitting this Act and I have given its gist. The people who have gone through inexpressible sufferings and never recovered from the pains, both physical and mental, are welcoming and looking forward to seeing the day when this Act will come into existence.

We hope that you will carefully deliberate on this matter, and quickly support our cause. Thank you.

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[1] Yahoo News/Asscociated Press, "Parliament discusses bill for official reparations to wartime sex slaves", Jul 18, 2001, 2:37 AM ET.

[2] Totsuka, Etsuro, "Peace Treaty and Japan's Wartime Responsibility", HV Informationsschriften, 1/2002, pp.43-46.

[3] E/CN.4/Sub.2/2001/NGO/24.

[4] Totsuka, Etsuro, "Commentary on a Victory for "Comfort Women", Pacific Rim Law & Policy Journal, Vol.8(1999), No.1, pp.47-61.